

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LINCOLN BENEFIT LIFE
COMPANY

Plaintiff,

v.

BERTHA GUERRERO, IGNACIA
CISNEROS, and JOHN DOE

Defendants.

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CIVIL ACTION NO. 1:14-CV-1077

ANSWER TO COMPLAINT IN INTERPLEADER

COMES NOW, Findlay & Dziak, LLC (Christopher Dziak and Keith Findlay), and enters its appearance in the above captioned matter on behalf of Defendant Imara Guerrero as Personal Representative of the Estate of Neftaly Guerrero, and answers the Amended Complaint in Interpleader as follows:

1. Defendant Imara Guerrero, Personal Representative of the Estate, admits the allegation contained in Paragraphs 1 through 13 of Plaintiff's Amended Complaint.
2. Defendant Imara Guerrero, is without sufficient knowledge to with which to admit or deny the allegation contained in Paragraph 14, and thus denies the same and demands strict proof thereof.
3. As to Paragraph 15, Defendant Imara Guerrero, states that the Letter from Lincoln Benefits speaks for itself.
4. Defendant Imara Guerrero, is without sufficient knowledge to with which to admit or deny the allegation contained in Paragraph 16, and thus denies the same and demands strict proof thereof.
5. As to Paragraph 17, Defendant Imara Guerrero, states that the Letter from Lincoln

Benefits speaks for itself.

6. Defendant Imara Guerrero admits Paragraphs 18 and 19.

7. Defendant Imara Guerrero, is without sufficient knowledge to with which to admit or deny the allegation contained in Paragraph 20, and thus denies the same and demands strict proof thereof.

8. In response to the allegations contained in Paragraph 21 of Plaintiff's Amended Complaint, Defendant Imara Guerrero restates and incorporates by reference her responses to Paragraphs 1 through 20 of Plaintiff's Amended Complaint as though more fully set forth herein.

9. Defendant Imara Guerrero admits the allegations contained in Paragraphs 22 through 26 and Paragraph 28.

10. Defendant Imara Guerrero denies the allegation contained in Paragraphs 27.

11. There are no governing documents which by their express terms relates to the disposition of the life insurance policy.

12. Defendant Imara Guerrero further states that pursuant to NMSA 1978 § 45-2-804(E), only a subsequent remarriage or nullification of divorce can revive a revocation made pursuant to NMSA 1978 § 45-2-804.

WHEREFORE, the Defendant Imara Guerrero pray of this Court for the following:

A. That the Court enter a judicial declaration that the decedent's act of splitting the policy did not by its express terms serve to retain Defendants Bertha Guerrero nor Ignacia Cisneros as beneficiaries under the policy.

B. That the Court enter a judicial declaration in favor of Defendant Imara Guerrero, Personal Representative of the Estate, as the beneficiary under the life insurance policy as a

matter of law .

C. Judicial Declaration that neither Defendant Bertha Guerrero nor Ignacia Cisneros are beneficiaries of the life insurance policy as a matter of law.

D. Judicial Declaration that Defendant Imara Guerrero, Personal Representative of Estate of decedent Neftaly Guerrero, should receive immediate payment as beneficiary of the life insurance policy.

E. For such other and further relief as may be just and proper.

Respectfully Submitted
FINDLAY & DZIAK, LLC

/s/Christopher Dziak
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system and also e-mailed to the following parties of record on June 18, 2015.

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ELECTRONICALLY FILED
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